UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF PENNSYLVANIA

IN RE: REPETE ASSOCIATES : Chapter 7 (Involuntary)

:

Debtor(s) : **Bky. No. 09-15042 ELF**

ORDER

AND NOW, upon consideration of the Debtor's Motion to Dismiss Involuntary Chapter 7 Proceeding and to Enjoin Margaret M. Stuski from Initiating Future Involuntary Bankruptcy Proceedings ("the Motion"), and the Response thereto, and after a hearing, and for the reasons stated in court,

It is hereby **ORDERED** that:

- 1. The above-captioned involuntary bankruptcy case is **DISMISSED** pursuant to 11 U.S.C. §303(i). See In re R. Eric Peterson Const. Co., Inc., 951 F.2d 1175 (10th Cir. 1991); In re Jett, 206 B.R. 407 (Bankr. E.D. Va. 1997).
- 2. The motion for the entry of a preliminary injunction is **DENIED WITHOUT PREJUDICE**. See In re Mansaray-Ruffin, 530 F.3d 230 (3d Cir. 2008).
- 3. A hearing on Petitioner Margaret M. Stuski's Motion for Recusal of Alan L. Frank as Counsel for the Debtor (Docket Entry No. 13) is scheduled for August 17, 2009, at 9:00 a.m., in Bankruptcy Courtroom No. 1, 900 Market Street, Philadelphia, PA.
- 4. A Pretrial Conference on the Debtor's request for attorney's fees, costs and damages under 11 U.S.C. §303(i) is scheduled for **August 17, 2009, at 9:00 a.m.** Prior to the Pretrial Conference, the parties shall hold and conclude a mandatory discovery conference pursuant to Fed. R. Civ. P. 26(f), incorporated into these proceedings by this Order. <u>See</u> Fed. R. Bankr. P. 9014(c). During said conference, the parties shall discuss how to proceed with general discovery and electronic discovery and shall attempt to agree upon a pretrial schedule. Prior to the Pretrial Conference, the parties shall file a Joint Discovery Report, or if unable agree, separate Discovery Reports setting forth a proposed pretrial schedule.

Date: July 20, 2009

ERIC L. FRANK

U.S. BANKRUPTCY JUDGE